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TRANSMITTAL FORM

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		Application Number	10/644,252
		Filing Date	August 20, 2003
		First Named Inventor	Thomas Zdeblick
		Art Unit	3731
		Examiner Name	Julian W. Woo
Total Number of Pages in This Submission	14	Attorney Docket Number	MSDI-224/PC242.38

ENCLOSURES (Check all that apply)

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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	January 17, 2006	Reg. No.	45,431

CERTIFICATE OF TRANSMISSION/MAILING

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Brad A. Schepers

Date

January 17, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

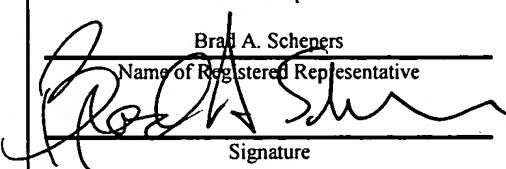
In re patent application of:)	Before the Examiner
Thomas Zdeblick et al.)	Julian W. Woo
)	
Serial No. 10/644,252)	Group Art Unit 3731
)	
Filed August 20, 2003)	Ref. No. MSDI-224/ PC242.38
)	
INTERBODY FUSION DEVICE AND)	January 17, 2006
METHOD FOR RESTORATION OF)	
NORMAL SPINAL ANATOMY)	

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated October 14, 2005, please enter and consider the following amendments and remarks. The Applicant notes that the three (3) month deadline for filing a Response to the non-final Office Action fell on January 14, 2006 (a Saturday), and that January 16, 2006 was a federal holiday. Accordingly, no extension fees are believed to be due with regard to the filing of this Response. However, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12- 2424, but not to include any payment of issue fees.

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<p align="center">January 17, 2006</p>	
<p align="center">Date of Signature</p>	

INTRODUCTORY COMMENTS

Claims 19-50 are pending in the subject application. Claims 19-25, 31-37 and 50 are allowed. Claim 27 has been objected to, but has been indicated as allowable if rewritten in independent form. Claims 26, 28-30 and 38-49 currently stand rejected. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.